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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1042nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 1 August 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1042/Add.1.

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GE.94-18142 (E)

The meeting was called to order at 3.20 p.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/264) (continued)

1. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional agenda appearing on page 2 of document CERD/C/264, it being understood that, in view of the emergency situation in certain countries, item 6 (Prevention of racial discrimination, including early warning and urgent procedures) would be considered before item 3 (Action by the General Assembly at its forty-eighth session: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 48/120)).

2. The agenda, as amended, was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

3. The CHAIRMAN invited the members of the Committee to consider the proposed programme of work, as amended by the Bureau, which had been distributed at the preceding meeting.

4. After a brief exchange of views between Mr. WOLFRUM, Mr. RECHETOV, Mr. SHERIFIS and Mr. de GOUTTES, the proposed programme of work was adopted. However, it was decided to postpone to a closed meeting the sensitive issue of whether to refuse to send a mission to the Federal Republic of Yugoslavia.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 6)

5. Mrs. KLEIN (Representative of the Secretary-General) briefly described the measures that the United Nations had taken in Rwanda and Burundi. With regard to Rwanda, she noted that the High Commissioner for Human Rights had assumed office on 5 April 1994 and that the President of Rwanda had been assassinated on 6 April. The High Commissioner for Human Rights had been following the situation in Rwanda with increasing concern. On 14 April, he had addressed a memorandum to the Secretary-General in which he expressed his deep concern at reports of grave human rights violations in Rwanda and suggested that urgent measures should be considered to prevent a further deterioration of the human rights situation there. On 26 April 1994, he had requested information on the situation and suggestions for action from a wide range of United Nations agencies and programmes, special rapporteurs of the Commission on Human Rights, chairmen of human rights treaty bodies, the Organization of African Unity, the International Committee of the Red Cross and other international organizations. The report of his visit to Rwanda on 11 and 12 May 1994 was contained in document E/CN.4/S-3/3. At the request of the Canadian Government, the majority of the members of the Commission on Human Rights had agreed to hold a special session, which had been convened on 24 and 25 May 1994 at Geneva, to discuss the situation in Rwanda. In accordance with resolution S-3/1, adopted at that session, the Commission on Human Rights had requested the Chairman to appoint a special rapporteur to investigate at first hand the human rights situation in Rwanda and had also

requested its own mechanisms and various special rapporteurs and human rights treaty bodies to give urgent attention to the situation in Rwanda and to provide, on a continuing basis, their full cooperation, assistance and findings to the Special Rapporteur and to accompany the Special Rapporteur in visiting Rwanda whenever necessary. At the same meeting, the Chairman had announced the appointment of Mr. René Degni Sequi (Côte d'Ivoire) as the Special Rapporteur to investigate at first hand the human rights situation in Rwanda. The Special Rapporteur had visited the country twice. On 1 July, the Security Council had adopted resolution S/RES/935 (1994), in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse information submitted pursuant to the resolution. The Commission of Experts would study the advisability of establishing a special tribunal or expanding the powers of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. It was made up of three experts appointed by the Secretary-General. The work of the Commission and of the Special Rapporteur would be coordinated by the High Commissioner for Human Rights, and they would be provided with services by the Centre for Human Rights.

6. Turning to Burundi, she said that, at the special session of the Commission on Human Rights, the High Commissioner for Human Rights had called for a meeting of interested States and non-governmental organizations (NGOs) to consider the situation of human rights in Burundi and see what measures might be taken in the framework of cooperation and advisory services in order to prevent further atrocities. Generous contributions had been promised by various Governments, and the Centre for Human Rights was currently planning a three-year programme of technical cooperation in the country. A Centre representative would be assigned to Bujumbura to supervise the implementation of that programme. The Human Rights Committee had considered the report of Burundi at the beginning of July, pursuant to a special decision at its November session, after ethnic violence had broken out in the country, and it had asked Burundi to submit, as a matter of urgency, a special report describing in particular the implementation of articles 4, 6, 7, 9, 12 and 25 of the International Covenant on Civil and Political Rights. The Human Rights Committee had adopted comments on the report. Burundi appeared willing to cooperate with the Centre for Human Rights by providing any additional information requested on the implementation of the Covenant.

7. Mr. de GOUTTES thanked Mrs. Klein for her statement, which had helped the Committee to clarify the situation. He noted that a project for Burundi was already well under way and that the Centre for Human Rights had outlined a detailed programme of work for Burundi. The situation was different in the case of Rwanda, for which Mr. Degni Sequi's report was basically all that was available to date. The question arose whether, in the relatively near future, there was any hope of establishing a programme of cooperation comparable to the one already in place for Burundi. Technical cooperation provided the best framework for the Committee to make a specific and effective contribution, by providing advisory assistance for constitutional and legislative reforms. He therefore suggested that the Committee should offer its services, perhaps appointing some of its members for the purpose, to participate in the

technical cooperation programme established by the Centre for Human Rights, initially for Burundi, and perhaps subsequently for Rwanda. It would have to determine which sectors should be given priority in its work.

8. The CHAIRMAN endorsed Mr. de Gouttes' viewpoint.

9. Mr. SHAHI thanked Mrs. Klein for the valuable information she had provided. He would like to know whether the situation in Rwanda had been brought to the attention of the Security Council or whether it was only being monitored by the Human Rights Committee, the Commission on Human Rights and the High Commissioner for Human Rights as yet.

10. Mr. WOLFRUM endorsed Mr. de Gouttes' opinion. In "An Agenda for Peace", the Secretary-General had identified several phases of conflict resolution, for both internal and other conflicts; the last phase consisted of post-conflict peace building. It was true that in the immediate future, the Committee's actions would not be effective in either Rwanda or, probably, Burundi. But as soon as the situation in both countries was more under control or calmer the Committee would have a very important task before it, that of helping both States to restore a constitutional and legal order such as to prevent a recurrence of such events, which had been devastating the region for centuries. He stressed that the Committee was in a better position to do so than any other body. For example, the Committee or a team appointed by it might advise the Rwandese Government on how to organize the Government at the local and national levels in such a way that everyone participated equally in decision-making. Members of the Committee would also be fully capable of advising the Governments of Rwanda and Burundi on how to establish an appropriate judicial system. Attention should focus on administrative apparatus, but also and especially education, an area dealt with specifically in the Convention, in which the skills of several members of the Committee might prove valuable.

11. The foregoing might be premature, but a dialogue should begin as soon as possible, at the very least with the representative of Burundi. It was an important priority for the Committee to make it known that it was prepared to provide considerable assistance when the time came; that was certainly one of its essential tasks.

12. Mr. DIACONU pointed out that if the Committee were to engage in a substantive discussion, it should first have available the existing documents and reports on Rwanda and Burundi. It was true, however, that the members were disturbed at the events currently taking place and must make every effort to avoid the recurrence of such tragedies. The situation in the two countries was different, although the same Tutsi and Hutu populations were involved. It might, of course, be feared that the ethnic conflict in Rwanda would spread to Burundi, but the government machinery in Burundi appeared to be more solid despite everything. The essential task in Burundi, therefore, would be to prevent ethnic conflict by strengthening the government framework; the Committee's contribution might be to help strengthen democratic institutions in order that relations between ethnic groups would be based on mutual respect and tolerance. The situation in Rwanda was much more difficult, for everything had to be rebuilt, in a context of such deep distrust that it would take years for the two communities to be able to live together normally. The

Committee would certainly have an important part to play, and it should, before the end of the session, make a specific offer to the Secretary-General and the United Nations bodies with a view to helping prevent such tragedies in the future.

13. Mr. CHIGOVERA said he also wished to thank Mrs. Klein for her valuable information. He nevertheless feared that the steps taken by the High Commissioner for Human Rights and others, albeit highly commendable, attacked the effects of the problems rather than their causes. What most needed to be done was to determine the exact nature of the problem, in both Rwanda and Burundi; only when the real roots of the problem were known would it be possible to find solutions. However, the suggestions just made, in particular to the effect that the Committee should offer assistance for establishing structures to prevent future conflicts, appeared to be pertinent.

14. The situations in Rwanda and Burundi were very similar. Although the situation in the latter country appeared to be stabilized, there were still many problems even if the clashes had been relegated to the background by the events taking place in Rwanda.

15. The Committee's mandate was a very specific one, but, if its offer of assistance were to be accepted, it would be somewhat exceeding its powers under the Convention, for its task would not be simply to eliminate racial discrimination: it would have to attack the real causes of the problems in both countries - where the situation ran a serious risk of worsening, if not reversing itself, in the following months. At the Committee's preceding session, it had been especially concerned about problems in Burundi; it was impossible to know how such a highly unstable situation would look at its following session. Attention should therefore focus on the roots of the problem if the goal was to find durable solutions. Technical cooperation would not bring about such solutions at the current time, either in Rwanda or in Burundi; the Committee should give that fact some thought.

16. Mr. VALENCIA RODRIGUEZ said that, in the light of the valuable information provided by Mrs. Klein, the Committee should await the considerable amount of documentation in preparation before it took any decisions. United Nations bodies and various human rights agencies had already taken steps, and the problem had been approached from different points of view. It was therefore too soon for the Committee to adopt a particular course, but it could already focus on the extent to which the action already undertaken was effectively helping to end the tragedy in Rwanda. For the time being, at least, the situation appeared to be less serious in Burundi. But in any event, the Committee should first evaluate the effectiveness of the measures already taken.

17. Mr. YUTZIS said that the Committee's discussion was developing along the right lines. Everyone appeared to agree that, in the case of Rwanda, a series of measures and mechanisms had been established to seek a solution, whatever that might be, to the tragic problems the country was experiencing. In that respect the Committee was acting post factum. In order for it to be effective in the framework of its mandate, it would have to offer its services in two priority sectors when the time came; the first involved reconstructing the Government, but especially and above all, since the problem involved was an

inter-ethnic one, reconstructing the social fabric. From that point of view, the Committee had the required skills in two essential areas, law and education.

18. The Committee's second priority was to think about the sensitive issue of the international tribunal referred to earlier by Mrs. Klein. No country, rich or poor, developed or developing, could allow the perpetrators of atrocities to go unpunished, and the Committee must help ensure that justice was done. The question whether the powers of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia should be extended or whether a special tribunal should be established was apparently an issue being discussed; in his view the Committee should have its say on that subject and should think about it without delay.

19. The case of Burundi appeared to be a different one. There were, of course, some similar aspects, but also some major differences: the social fabric in Burundi had not deteriorated as it had in Rwanda, and urgent steps must be taken to prevent the situation from developing along the same lines as in Rwanda. The Committee should offer its services for preventive action designed to avoid the destruction of the social fabric and the collapse of the Government.

20. Mr. RECHETOV, referring to Mr. Chigovera's statement, recalled that, barely a year before, the Committee had expressed deep concern at the situation in Burundi, which had appeared to it to be much more serious than the one in Rwanda. Currently the opposite was true: it considered Rwanda to be an absolute priority over Burundi. It would therefore seem that the Committee did not have a firm grasp of certain basic factors, which it had not succeeded in analysing thoroughly. Mr. Yutzis had just spoken of establishing a special tribunal to try those responsible for the bloody events in Rwanda. However, before making any recommendations the Committee should try to clarify the root causes of the events, in both Burundi and Rwanda. Although the situations in each country were different, both might be studied as a whole, as a single phenomenon. In that connection, Mr. Chigovera appeared to have information of which the Committee was unaware and which might help it understand the situation better. If so, Mr. Chigovera might perhaps share it with the Committee to help it to act in an informed manner and not focus on the effects of the events rather than their root causes.

21. Mr. BANTON, Country Rapporteur for Rwanda, referring to a draft document (without a symbol) that he had prepared pursuant to a request from the Commission on Human Rights for use by the Special Rapporteur on human rights in Rwanda, said that he would first reply to a question raised by Mr. de Gouttes at the preceding meeting, namely whether the Committee might have acted any sooner with regard to Rwanda. He could only say that a long report on the dangers of the situation in Rwanda, prepared by the International Commission of Inquiry into Human Rights Violations in Rwanda since 1 October 1990, had been available since that date; he had provided the Committee with a summary of that document in August 1993. The diagnosis which the Commission of Inquiry had made at the time had amounted to a premonition of events to come. The Committee had been aware of the report's conclusions in August 1993, but since the report had been available in French only, it

might have been reluctant to take a decision on the basis of a document which the majority of its members had not read. He regretted not having laid more stress on the importance of that report at the time, but the Committee had had a full agenda, and the Rwandese mission in Bern had not been informed. In retrospect, it seemed that the Committee should have done more to draw the attention of the international community to the dangers evoked by the International Commission of Inquiry.

22. Paragraph 5 of his draft raised the question whether the conflict in Rwanda was an ethnic conflict. In his view it would be more accurate to say that it was a political conflict in which some had used ethnic differences for their own ends. When the Committee read the report of the Special Rapporteur on the situation of human rights in Rwanda, it would note that a passage in the report dealt with the role played by the media, or rather the way in which the politicians had used the media. One of the saddest aspects of the tragedy was that so many lies had been spread and so many people had believed them. That point should be borne in mind in the future: it was essential to give some thought to the way in which the media could be used and to educate the people so that they would no longer be the victims of their own gullibility.

23. The CHAIRMAN said that the Committee might have thought about action in the context of prevention of racial discrimination as early as March 1993. At its current session, it might perhaps designate a special rapporteur, as provided for in the emergency procedure for critical situations. Unfortunately, it was currently dealing with several situations of the kind.

The public meeting rose at 4.45 p.m.